

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE NATIONAL RETIREMENT FUND and the :  
BOARD OF TRUSTEES OF THE NATIONAL :  
RETIREMENT FUND, each on behalf of the :  
Legacy Plan of the National Retirement Fund, :

Case No.: 21-CV-4987 (CS)

Plaintiffs, :

v. :

The Ruprecht Company, :

Defendant. :

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**~~JOINTLY PROPOSED~~ JUDGMENT**

**WHEREAS**, by motion dated June 13, 2022, Plaintiffs, the National Retirement Fund and the Board of Trustees of The National Retirement Fund (“Plaintiffs”) moved for summary judgment on its claims and to dismiss Defendant, the Ruprecht Company’s (“Defendant”) affirmative defenses (ECF Nos. 39-42, “Plaintiffs’ Motion for Summary Judgment”);

**WHEREAS**, by motion dated July 18, 2022, Defendant cross-moved for summary judgment to dismiss Plaintiffs’ claims (ECF Nos. 43-46, “Defendant’s Cross-Motion”);

**WHEREAS**, on July 18, 2022, Defendant submitted an opposition to Plaintiffs’ Motion for Summary Judgment (ECF Nos. 47-49, “Defendant’s Opposition Motion”);

**WHEREAS**, on August 17, 2022, Plaintiffs served a brief in opposition to Defendant’s Cross-Motion and in reply to Defendant’s Opposition Motion (ECF Nos. 50-52);

**WHEREAS**, on September 23, 2022, Defendant submitted a reply in opposition to Plaintiffs’ Motion for Summary Judgment (ECF Nos. 53-54);

**WHEREAS**, by opinion and order dated June 21, 2023, the Court granted Plaintiffs' Motion for Summary Judgment and denied Defendant's Cross-Motion (the "Opinion and Order");

**WHEREAS**, between July 3, 2023, and July 27, 2023, the parties conferred and agreed to the below proposed judgment;

It is **ORDERED, ADJUDGED, AND DECREED**, that judgment is entered in favor of Plaintiffs the National Retirement Fund and the Board of Trustees of The National Retirement Fund, with an address of 333 Westchester Avenue, White Plains, NY 10604, and against Defendant, the Ruprecht Company, with an address of 1301 Allanson Road, Mundelein, IL 60060, in the amount of \$40,656.15 for interest on the late withdrawal liability payments, \$75,926.39 for liquidated damages and \$176,403.00 for attorneys' fees and costs, with pre-judgment interest at the rate of one (1%) per month from February 23, 2022, the date Plaintiffs demanded the interest from Defendant, through June 21, 2023, the date of the Opinion and Order, in the amount of \$6,911.54, for a total of \$299,897.08, plus post-judgment interest thereafter in accordance with 28 U.S. Code § 1961, beginning on the fifteenth calendar day following the entering of this judgment. Plaintiffs shall have judgment and execution on the judgment therefor.

**SO ORDERED.**

Dated: White Plains, New York  
July 28, 2023



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HONORABLE CATHY SEIBEL  
UNITED STATES DISTRICT JUDGE